

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re,  DANIEL JOSEPH STAFFORD AND KRISTIN M STAFFORD, Debtor,  CONSUMER PORTFOLIO SERVICES, INC. Movant,  v.  DANIEL JOSEPH STAFFORD AND KRISTIN M STAFFORD, and SCOTT F. WATERMAN, Trustee,  Respondents.	Bankruptcy No. 23-13123-amc  Chapter 13
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Consumer Portfolio Services, Inc. (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), representing as follows:

THE PARTIES

1. Respondents, Daniel J. Stafford and Kristin M. Stafford, (“Debtors”), are adult individuals with a place of residence located at 842 N. 28<sup>th</sup> Street, Philadelphia, PA 19130.
2. Scott F. Waterman is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about October 19, 2023, Debtors filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about July 30, 2022, Debtors entered into a Retail Installment Sales Contract (“Note”) with the Movant for the purchase of 2016 Mercedes Benz 300, VIN: 55SWF4KB9GU147202 (the “Vehicle”) with the Movant, a true and correct copy of which is attached hereto as Exhibit A.

6. Movant has a secured interest in the 2016 Mercedes Benz 300, VIN: 55SWF4KB9GU147202, as evidenced by the Certificate of Title attached hereto as Exhibit B.

7. The Note requires monthly payments of \$513.73, which amounts are due on or before the 13<sup>th</sup> of each month.

8. The Debtors have failed to make monthly payments to Movant from September 2023 to date. The Debtor is \$2,561.49 in post-petition payment arrears.

9. The total balance due on the Note as of January 26, 2024, was \$23,143.29.

10. The N.A.D.A. value for the 2016 Mercedes Benz 300, VIN: 55SWF4KB9GU147202 is \$9,900.00. There is no equity in the Vehicle. A true and correct copy of a printout showing that value is attached hereto as Exhibit C.

11. Movant is entitled to relief from the automatic stay for cause due to the Debtors to maintain their contractual obligation with the Movant as described in the Note and making post-petition payments.

WHEREFORE, Movant, Consumer Portfolio Services, Inc., respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the 2016 Mercedes Benz 300, VIN: 55SWF4KB9GU147202.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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*Counsel for Consumer Portfolio Services,  
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Dated: January 29, 2024